

8376. Misbranding of Madame Dean Antiseptic Vaginal Suppositories. U. S. * * * v. 6 Dozen Cartons of Madame Dean Antiseptic Vaginal Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11056. I. S. No. 2041-r. S. No. W-460.)

On or about August 15, 1919, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen cartons of a product, labeled in part "Madame Dean Antiseptic Vaginal Suppositories * * * The United Medical Company, Lancaster, Pa.," remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on March 18, 1919, and transported from the State of Pennsylvania into the State of Washington, and charging misbranding in violation of the Food and Drugs Act.

The article was labeled in part, (outside carton and circular) "Madame Dean Antiseptic Vaginal Suppositories for the Relief of Vaginitis, Vulvitus, Gonorrhœal Inflammation, Leucorrhœal discharge, inflammation, congestion and ulceration of the Vagina," (retail carton) "Madame Dean Antiseptic Vaginal Suppositories for the relief of Leucorrhœa or whites, Gonorrhœa, Inflammation, Congestion, Ulceration and other similar female complaints * * *," (booklet, headed "A Friend in Need is a Friend Indeed") "Madame Dean Antiseptic Vaginal Suppositories an effectual suppository for the relief of Leucorrhœa or whites, Gonorrhœa and similar female complaints."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the suppositories consisted essentially of a salt of bismuth, alum, boric acid, tannin, and a trace of powdered plant drug in a base of cacao butter.

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the cartons and in the accompanying booklet and circular, regarding its curative and therapeutic effects, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On November 3, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8377. Misbranding of Forfat Brand Cotton Seed Meal. U. S. * * * v. Red River Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 11617. I. S. Nos. 11994-r, 12035-r, 12046-r.)

On April 20, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Red River Oil Co., a corporation, Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 23, February 5, and March 1, 1919, from the State of Louisiana into the State of Kansas, of quantities of an article, labeled "Forfat Brand Cotton Seed Meal," which was misbranded.

Examination of a representative number of sacks taken from each shipment of the article by the Bureau of Chemistry of this department showed average shortages in weight of 4.5, 3.5, and 6.4 pounds, respectively. Analysis of a sample taken from the shipment of January 23, 1919, showed that it contained 37.18 per cent of protein, 5.95 per cent of equivalent nitrogen, and 15.11 per cent of crude fiber.

Misbranding of the article with respect to all 3 shipments was alleged in the information for the reason that the statement, to wit, "100 lbs. Gross—99 lbs. net," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each of the sacks contained 99 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 99 pounds of the article, whereas, in truth and in fact, each of the sacks did not contain 99 pounds of the article, but contained a less amount. Misbranding in each instance was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was further alleged with respect to the shipment of January 23, 1919, for the reason that the statement, to wit, "Guaranteed Analysis * * * Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said article contained less than 38.55 per cent of protein, less than 6.17 per cent of equivalent nitrogen, and more than 12 per cent of crude fiber.

On June 28, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8378. Adulteration and misbranding of shorts. U. S. * * * v. 625 Sacks of Shorts. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12415. I. S. No. 3433-r. S. No. W-605.)

On May 10, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 625 sacks of shorts, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Preston-Shaffer Milling Co., Athena, Oreg., on March 22, 1920, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Shorts."

Adulteration of the article was alleged in the libel for the reason that re-ground bran had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statement "Shorts," contained in the labeling, was false and misleading and deceived and misled the purchaser.

On or about July 15, 1920, C. T. Jefferson, agent for the Preston-Shaffer Milling Co., claimant, having admitted the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the